

## U.S. DEPARTMENT OF COMMERCE PATENT &amp; TRADEMARK OFFICE

B/G Form PTO-1390		<b>Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371</b>		Attorney's Docket Number REF/MARIOTT/966	
International Application Number PCT/EP99/01966		International Filing Date 24 March 1999		U.S. Application Number (if known) <b>09/646111</b>	
Title of Invention IMPROVED CRYSTAL STRUCTURE		Priority Date Claimed 26 March 1998			
Applicant(s) for DO/EO/US MARIOTT et al.					

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☒ This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed 35 USC 371(c)(2).
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 USC 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 USC 371(c)(4)). (☐ Executed ☐ Unexecuted)
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

Items 11 to 16 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

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Application Number (if Known) <b>09/646111</b>		International Application Number <b>PCT/EP99/01966</b>		Attorney's Docket Number <b>REF/MARRIOTT/966</b>	
				Calculations	PTO USE ONLY
17. The following fees are submitted: <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> <input checked="" type="checkbox"/> Search report has been prepared by the EPO or JPO ..... \$840.00 <input type="checkbox"/> International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) ..... \$670.00 <input type="checkbox"/> No International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) but International Search Fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$760.00 <input type="checkbox"/> Neither International Preliminary Examination Fee (37 CFR 1.482) nor International Search Fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$970.00 <input type="checkbox"/> International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00				\$840.00	
ENTER APPROPRIATE BASIC FEE AMOUNT				\$ 840.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	19 -20 =	0	× \$18.00	\$ 0.00	
Independent Claims	1 -3 =	0	× \$78.00	\$ 0.00	
Multiple Dependent Claims (if applicable)			+ \$260.00		
TOTAL OF ABOVE CALCULATIONS				\$ 0.00	
Reduction by ½ for filing by small entity, if applicable. Verified Small Entity Statements must also be filed (Note 37 CFR 1.9, 1.27, 1.28)					
SUBTOTAL					
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
TOTAL NATIONAL FEE					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.					
TOTAL FEES ENCLOSED				\$ 840.00	
				Refunded:	
				Charged:	

- a. ☒ A check in the amount of \$ 840.00 to cover the fees is enclosed.
- b. ☐ Please charge my Deposit Account Number 02-0200 in the amount of \$ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**BACON & THOMAS, PLLC**  
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DATE: September 26, 2000

Respectfully submitted,

*Richard E. Fichter*

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 Attorney for Applicant

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